

DEC 16 2008

**Board of Vocational Nursing  
and Psychiatric Technicians**

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Attorneys for Complainant

**BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2007-965

**NANCY D. FOX, aka  
NANCY FOX, aka  
NANCY DIANE BROWN FOX**  
Post Office Box 452176  
Grove, Oklahoma 74345-2176

**A C C U S A T I O N**

Vocational Nurse License No. VN 96842 .

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

**PARTIES**

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational Nursing and Psychiatric Technicians ("Bureau"), Department of Consumer Affairs.

**License History**

2. On or about July 21, 1980, the Bureau issued Vocational Nurse License Number VN 96842 ("license") to Nancy D. Fox, also known as Nancy Fox, and Nancy Diane Brown Fox ("Respondent"). The license expired on September 30, 2007, and has not been renewed.

## JURISDICTION

3. This Accusation is brought before the Director of Consumer Affairs ("Director") for the Bureau, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Code section 2875 states, in pertinent part, that the Bureau may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

5. Code section 477, subdivision (a), provides that a "[b]oard" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

6. Code section 101.1, subdivision (b)(1), provides that "[i]n the event that any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the act that added this section, or by subsequent acts, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that board and its executive officer."

7. Code section 118, subdivision (b), states, in pertinent part, that the expiration of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISION

8. Code section 2878.8 states:

The Board may deny any application or may suspend or revoke any license issued hereunder this chapter based upon the denial of licensure, suspension, restriction, or other disciplinary action of a license by another state, any other government agency, or by another California health care professional licensing board. A certified copy of the finding shall be conclusive evidence of that action provided that, if from another state, the findings establish an act which if committed in California would be grounds for discipline.

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1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

4 1. Revoking or suspending Vocational Nurse License Number VN 96842  
5 issued to Nancy D. Fox, also known as Nancy Fox, and Nancy Diane Brown Fox;

6 2. Ordering Nancy D. Fox, also known as Nancy Fox, and Nancy Diane  
7 Brown Fox to pay the Bureau the reasonable costs of the investigation and enforcement of this  
8 case, pursuant to Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: December 16, 2008

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14 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
15 Executive Officer  
16 Bureau of Vocational Nursing and Psychiatric Technicians  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
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## EXHIBIT A

Oklahoma Board of Nursing Final Order

**BEFORE THE OKLAHOMA BOARD OF NURSING**

IN THE MATTER OF NANCY DIANE BROWN FOX, L.P.N.  
LICENSE NO. L0053219

3:11 PM  
2007 JUN 14 AM 9:16

**STIPULATION, SETTLEMENT AND ORDER**

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 16th day of May, 2007, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

The Board is represented by Deborah Bruce, Attorney at Law. [REDACTED] Diane Brown [REDACTED] L.P.N., ("Respondent") appears in person without counsel before the Informal Disposition Panel on this date. Respondent appeared for an investigative conference on April 25, 2007, and subsequently consented to this Order.

**STIPULATION**

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma and is the holder of License No. L0053219 issued by the Oklahoma Board of Nursing.
2. On or about January 27, 2007, while employed at Grand Lake Villa, Grove, Oklahoma, Respondent administered, three (3) units of Humalog insulin at 6 a.m., to Resident L.S. who had a finger stick blood sugar of 51. L.S.'s blood sugar dropped to 28 when he was transferred to the hospital.
3. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that

Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

4. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

5. Respondent fully understands that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

6. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

7. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

#### **STIPULATED DISPOSITION**

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's license to practice licensed practical nursing in the State of Oklahoma remain in effect, and that Respondent is disciplined as follows:

1. Respondent shall, within ninety (90) days from the receipt of this Order, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board; other laws; policies; and accreditation guidelines that govern the practice of nursing; the role of delegation and supervision; and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course; resources to be utilized; and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

2. Respondent shall, within ninety (90) days from receipt of this Order, successfully complete a course on **Critical Thinking, to include moral reasoning**. Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, and Internet courses will not be approved. The target audience must include licensed nurses. The course must be a minimum of eight (8) contact hours in length. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. The course must address how nurses use critical thinking skills to make patient care decisions based on the nursing process. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.



3. Within ninety (180) days from the receipt of this Order Respondent shall submit documentation, satisfactory to the Board, of the successful completion of a unit of education or course of study on **Care of the Long Term Care Patient, to include Diabetic Management**, which is approved by Board staff prior to enrollment or registration.

4. Within thirty (30) days from receipt of this Order, Respondent shall pay an **administrative penalty** payable to the Oklahoma Board of Nursing in the amount of **500.00**. The administrative penalty shall be paid only by certified check, money order or cash.

IT IS FURTHER ORDERED that the license to practice licensed practical nursing held by Respondent is hereby **severely reprimanded**.

IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty, including but not limited to educational courses, will result in a three (3) month suspension of license. At the completion of the three month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance to the agency approval process or for referral to the Board. Administrative penalties for any such failure to comply shall be assessed and paid prior to reinstatement by certified check, money order, or cash pursuant to statute, 59 O.S. §§ 567.8.J.1. and 2, and § 485:10-11-2(d) of the Rules promulgated by the Board.

IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Stipulation, Settlement and Order and that no presumption or construction against any party as the drafter of this Stipulation, Settlement and Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.

IT IS FURTHER ORDERED that this Order may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

Nancy Diane Fox  
Respondent

Approved and ordered this 30th day of May, 2007.

OKLAHOMA BOARD OF NURSING

By: Dakota Ward  
President

DKB:as

**EXHIBIT B**

**Missouri Board of Nursing Order**



2008 MAY -7 11 03 14

Matt Blunt  
Governor  
State of Missouri

David T. Brocker, Director  
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance  
Financial Institutions  
and Professional Registration  
Douglas M. Ommen, Director

STATE BOARD OF NURSING  
P.O. Box 656, Jefferson City, MO 65102-0656  
800-735-2966 TTY Relay Missouri 800-735-2466 Voice Relay Missouri

Web Site: <http://pr.mo.gov/nursing.asp>

Lori Scheidt  
Executive Director  
Telephone: 573-751-0681

## CERTIFICATION

I, Lori Scheidt, BS, Executive Director, of the Missouri State Board of Nursing certify that the document(s) which is/are attached is/are true and correct copy(s) of the information contained in the file of:

**NANCY D. FOX**

**Board Seal**

*Lori Scheidt*

Missouri State Board of Nursing  
Lori Scheidt, BS  
Executive Director  
May 5, 2008

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## DOCUMENTS ATTACHED

Disciplinary Agreement(s)

**SETTLEMENT AGREEMENT BETWEEN MISSOURI STATE BOARD  
OF NURSING AND NANCY FOX, R.N.**

Comes now Nancy Fox ("Licensee") and the Missouri State Board of Nursing ("Board") and enter into this Settlement Agreement for the purpose of resolving the question of whether Licensee's license to practice as a licensed practical nurse will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the state of Missouri and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo, and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her, the right to appear and be represented by legal counsel, the right to have all charges against her proven upon the record by competent and substantial evidence, the right to cross-examine any witnesses appearing at the hearing against her, the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against her and, subsequently, the right to a disciplinary hearing before the Board at which time she may present evidence in mitigation of discipline, and the right to potentially recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to her.

Licensee acknowledges that she has received a copy of the investigative report and other documents relied upon by the Board in determining there was cause for discipline, along with

citations to law and/or regulations the Board believes were violated. For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Board that Licensee's license to practice as a licensed practical nurse, License No. 022060, is subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 335, RSMo.

### **Joint Stipulation of Facts**

1 The State Board of Nursing is an agency of the state of Missouri created and established pursuant to § 335.021, RSMo, for the purpose of executing and enforcing provisions of Chapter 335, RSMo, the Nursing Practice Act.

2 Nancy Fox is licensed by the Board as a licensed practical nurse, License No. 022060. Licensee's Missouri license is current and active.

3 On May 30, 2007, the Oklahoma State Board of Nursing approved a 'Stipulation, Settlement and Order' concerning the Oklahoma nursing license of Licensee.

4 As a result of that Stipulation, Settlement and Order, Licensee's Oklahoma nursing license was severely reprimanded.

5 A severe reprimand constitutes disciplinary action by the Oklahoma State Board of Nursing.

6 The circumstances which led to the imposition of discipline against Licensee's Oklahoma license are grounds for which revocation or suspension is authorized by this state.

### **Joint Conclusions of Law**

1 Cause exists for Petitioner to take disciplinary action against Licensee's license under §335.066.2(8), RSMo, which states in pertinent part:

2 The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by sections 335 011 to 335 096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 335 011 to 335 096 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state,

### Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621 045 3, RSMo

1 Licensee's license to practice as a licensed practical nurse in the State of Missouri, License No. 022060 is hereby **VOLUNTARILY SURRENDERED**

2 The Board will maintain this settlement agreement as an open and public record of the Board as provided in Chapters 335, 610 and 620, RSMo. The Board will report this Settlement Agreement to data banks, other appropriate entities and in its newsletter. This is a disciplinary action against licensee's license. This document shall be disclosed to the public upon proper request.

3 The terms of this Settlement Agreement are contractual, legally enforceable and binding, not merely recital. Except as otherwise contained herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged or terminated, except

by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge or termination is sought

4 Licensee, together with her heirs and assigns and her attorneys, do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents or attorneys, including any former Board members, employees, agents and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement or from the negotiation or execution of its settlement. Licensee acknowledges that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof void or unenforceable.

5 Licensee understands that she may, either at the time the Settlement Agreement is signed by all parties, or within fifteen (15) days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Licensee's license. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit his request to Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.

6 If Licensee requests review, this Settlement Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Settlement



Agreement sets forth cause for disciplining Licensee's license. If Licensee does not request review by the Administrative Hearing Commission, the Settlement Agreement goes in to effect 15 days after the document is signed by all the parties.

LICENSEE

Nancy D. Fox LPN  
Nancy Fox LPN

BOARD OF NURSING

Lori Scheidt 1.4.2008  
Lori Scheidt  
Executive Director  
Missouri State Board of Nursing

Date 12/31/07

EFFECTIVE  
DATE

January 19, 2008  
MISSOURI BOARD OF NURSING

I have returned all of my nursing licenses. I have retired as a nurse after 33 yrs. There were no restrictions on my Oklahoma license due to my error only I couldn't afford to pay the fine or pay for the classes. At this time I didn't want to sign this form because I don't agree with everything written. I signed this form to have the matter closed.

Thank you  
Nancy Fox